

IC 22-14-2

Chapter 2. Office of the State Fire Marshal; Board of Firefighting Personnel Standards and Education

IC 22-14-2-1

Office of state fire marshal; establishment

Sec. 1. The office of the state fire marshal is established within the department.

As added by P.L.245-1987, SEC.3.

IC 22-14-2-2

State fire marshal; appointment; qualifications

Sec. 2. (a) The governor shall appoint a state fire marshal to direct the office. The state fire marshal serves at the pleasure of the governor.

(b) The state fire marshal must have:

(1) a recognized interest and knowledge in the areas of fire prevention and fire protection; and

(2) experience as an administrator.

(c) The state fire marshal shall serve as a full-time employee of the office.

As added by P.L.245-1987, SEC.3.

IC 22-14-2-3

Appointment and organization of personnel; deputy fire marshals

Sec. 3. (a) Except as provided in this section, the state fire marshal shall appoint under IC 4-15-2 and organize the other personnel within the office. Subject to IC 4-12-1, the state fire marshal may determine the number of deputy fire marshals required for the office.

(b) The state fire marshal shall appoint a chief deputy fire marshal. The chief deputy may exercise any of the fire marshal's responsibilities in the state fire marshal's absence.

(c) The state fire marshal shall appoint:

(1) a deputy fire marshal to supervise the inspection responsibilities of the office;

(2) a deputy fire marshal to supervise all fire and criminal investigation responsibilities of the office; and

(3) a deputy fire marshal to supervise all educational responsibilities of the office.

(d) The deputy fire marshals appointed under subsections (b) and (c) serve at the pleasure of the state fire marshal.

As added by P.L.245-1987, SEC.3.

IC 22-14-2-4

Powers of state fire marshal

Sec. 4. To carry out the office's responsibilities, the state fire marshal or a deputy fire marshal may:

(1) exercise the powers of a law enforcement officer to prevent fires and conduct arson investigations;

- (2) enter and inspect any property, at a reasonable hour;
- (3) issue and enforce administrative orders under IC 22-12-7 and apply for judicial orders under IC 22-12-7-13;
- (4) direct a fire department to assist the office;
- (5) cooperate with law enforcement officers; and
- (6) provide hazardous materials and counterterrorism:
 - (A) training;
 - (B) support; and
 - (C) response assistance.

As added by P.L.245-1987, SEC.3. Amended by P.L.63-2003, SEC.1.

IC 22-14-2-5

Public information on fire prevention; copies of fire safety rules

Sec. 5. (a) The office shall carry out a program to provide public information concerning fire prevention and maintain data and statistics concerning fires and fire prevention activities.

(b) The office shall provide a copy of the fire safety rules adopted by the commission to the chief of each fire department. The office may exclude, from the rules distributed under this subsection, any text that is incorporated by reference into the rules published in the Indiana Administrative Code.

As added by P.L.245-1987, SEC.3.

IC 22-14-2-6

Training programs for fire department personnel

Sec. 6. (a) The office shall develop programs to train fire department personnel and volunteers. The office may develop these training programs in cooperation with any accredited educational institution or fire fighting association. The office or the institution may conduct the programs.

(b) The programs under this section must cover the areas of fire prevention and firefighting.

(c) The office shall establish inspection training requirements for members of volunteer fire companies and certify individuals who meet these requirements.

(d) The office shall provide staff and meeting facilities to the education board to carry out section 7 of this chapter.

As added by P.L.245-1987, SEC.3.

IC 22-14-2-7

Firefighting training and education programs; certification of programs, instructors, and personnel

Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.

(b) This section does not require a member of a fire department to be certified.

(c) The education board may:

- (1) certify firefighting training and education programs that meet the standards set by the education board;

- (2) certify fire department instructors who meet the qualifications set by the education board;
- (3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;
- (4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private institutions of higher education;
- (5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;
- (6) require fire service personnel certified at any instructor level to fulfill continuing education requirements in order to maintain certification;
- (7) contract or cooperate with any person and adopt rules under IC 4-22-2 to carry out its responsibilities under this section; or
- (8) grant a variance to a rule the education board has adopted.

As added by P.L.245-1987, SEC.3. Amended by P.L.170-1996, SEC.1; P.L.30-2001, SEC.1.

IC 22-14-2-8

Investigations; powers of office; subpoenas; discovery orders; per diem and mileage allowance

Sec. 8. (a) Regardless of the extent of the investigation conducted by a fire department under IC 36-8-17-7, the office may conduct an investigation into the causes and circumstances surrounding any fire or explosion.

(b) To carry out this section, the office may:

- (1) exercise its powers under section 4 of this chapter;
- (2) assist a prosecuting attorney with any criminal investigation;
- (3) subpoena witnesses and order the production of books, documents, and other evidence;
- (4) give oaths and affirmations;
- (5) take depositions and conduct hearings;
- (6) separate witnesses and otherwise regulate the course of proceedings; and
- (7) obtain and secure evidence.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

(d) A person who is summoned and testifies under this section is entitled to receive a minimum salary per diem and a mileage allowance from the fire and building services fund. The budget agency shall set the amount of the per diem and mileage allowance.

(e) The state fire marshal and the investigators in the arson division of the office of the state fire marshal have law enforcement authority at all times while discharging their duties under this section as employees of the department.

(f) The executive director of the fire and building services department has law enforcement authority at all times while discharging the duties of the executive director under this section.

As added by P.L.245-1987, SEC.3. Amended by P.L.5-1988, SEC.120; P.L.38-1990, SEC.5; P.L.13-1994, SEC.10; P.L.167-1997,

SEC.5; P.L.30-1998, SEC.2.

IC 22-14-2-9

Plans and specifications for design release; review and approval

Sec. 9. The office shall review and may approve plans and specifications presented to the office for a design release under IC 22-15-3 for compliance with the fire safety laws.

As added by P.L.245-1987, SEC.3.

IC 22-14-2-10

Enforcement programs; investigation programs; coordination

Sec. 10. (a) The office shall carry out a program to:

(1) enforce all fire safety laws and related variances and other orders; and

(2) protect the public from fire hazards.

(b) The office shall carry out a program to investigate complaints.

(c) The office shall coordinate its enforcement program with the enforcement program conducted by the office of the state building commissioner under IC 22-15. The state fire marshal may authorize the office of the state building commissioner to carry out an enforcement function for the office.

As added by P.L.245-1987, SEC.3.

IC 22-14-2-11

Inspection programs

Sec. 11. The office shall carry out a program to periodically inspect structures and other property that are used by the state, a county, a city, a town, or a school corporation, including institutions where inmates are involuntarily detained. Inspections shall be conducted under the schedule specified by the office. The office may exclude a class of buildings or other property from inspection under this section, if the office determines that the public interest will be served without inspection.

As added by P.L.245-1987, SEC.3.